IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

OP.No. 27438 of 2002(N)

PETITIONER:

S. RAJASHEKARAN, SENIOR GRADE PRINTER,
UNIVERSITY PRESS, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.BENNY GERVACIS

RESPONDENTS:
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1. THE UNIVERSITY OF KERALA,
REPRESENTED BY THE REGISTRAR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

2. THE REGISTRAR, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.

3. M. BHUVANENDRAN NAIR, JUNIOR FOREMAN,
UNIVERSITY PRESS, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.

4. G. MOHANAKUMARAN NAIR,
JUNIOR FOREMAN, UNIVERSITY PRESS,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,KERALA UTY FOR R1 & 2
SRI.N.NANDAKUMARA MENON FOR R3 AND R4
SRI.K.VINODKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.27438/2002

ORDER IN IA NO. 7484/2003 IN OP NO.27438 OF 2002

DISMISSED

28/3/2007 **SD/-ANTONY DOMINIC, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER DATED 15.01.96 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER DATED 13.03.98 ISSUED BY THE 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE CIRCULAR DATED 13TH AUGUST 1991, ISSUED BY 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE RELEVANT EXTRACT OF THE KERALA UNIVERSITY FIRST ORDINANCES, 1978.

EXT.P5: TRUE COPY OF THE ORDER DATED 31.05.99 ISSUED BY THE 2ND RESPONDENT.

EXT.P6: TRUE COPY OF THE JUDGMENT IN OP 11157 OF 2000 DT.26TH JULY 2002.

EXT.P7: TRUE COPY OF THE PETITION DATED 31ST DAY OF JULY 2002.

EXT.P8: TRUE COPY OF THE ORDER DATED 31.12.95 ISSUED BY THE 2ND RESPONDENT.

EXT.P9: TRUE COPY OF THE PROCEEDINS DATED 26.7.2002 ISSUED BY THE 2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE ORDER DATED 9.9.2002 ISSUED BY THE 2ND RESPONDENT.

EXT.P12: MEMO ISSUED BY THE 1ST RESPONDENT DATED 3.8.98. (FILED ALONG WITH IA NO.4319/2007)

//TRUE COPY//

ANTONY DOMINIC, J.
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O.P NO. 27438 OF 2002
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Dated this the 28th day of March, 2007

J U D G M E N T

This original petition is filed by an employee of the first respondent University, who is working as Senior Grade Printer in the University Press. It is stated that the petitioner commenced his service in 1996 and after earning promotions has reached the post of Senior Grade Printer on 1/7/2000.

2. The controversy which lead to the filing of this original petition started from Ext.P3, a notification issued by the first respondent University inviting applications for filling up the post of Offset Printer. It is stated that the third respondent, who was working as Printer was appointed by transfer as Offset Printer pursuant to Ext.P3. Subsequently, the third respondent was on long leave without allowances during the period from 20/11/95 to 19/11/2000. During that period, effective from 1/6/99, a vacancy in the post of General Foreman arose in the University Press. Consequent on the promotions effected, there arose a consequential vacancy of Junior Foreman and realising that a

vacancy in the category of Junior Foreman arose as stated above, the third respondent is stated to have cancelled his leave and rejoined duty and claimed appointment to the vacancy of Junior Foreman. It is stated that by Ext.P5, the University appointed the third respondent as Junior Foreman on 31/5/99.

3. This was challenged by the petitioner by filing OP 11157/2000 before this Court, which was disposed of by Ext.P6 judgment dated 26.7.2002. During the pendency of the case, a new vacancy in the category of Junior Foreman was to arise and it was taking note of that possibility, the writ petition was disposed of directing that the claims of the petitioner shall also be considered for promotion. Obviously, what was meant by this Court was not to disturb the promotion of the 3rd respondent, but to consider the claims of the petitioner as against the new vacancy that was to arise. It is stated that subsequently his claim was considered and was rejected by Ext.P9 order dated 16.8.02. Still later, by Ext.P10 dated 7/9/02, the fourth respondent, who was also working as Offset Printer in the University Press was promoted and was appointed as Junior Foreman.

4. Seeking to quash Exhibits P5, P9 and P10 that this

original petition has been filed. The case was heard at some length and during the course of of argument, Mr.Nandakumara Menon, who was appearing for the 3rd and 4th respondents submitted that the 4th respondent has since been retired from the service of the University.

The Standing Counsel for the University submits that in view of the developments as stated above, petitioner will be considered for promotion against the next arising vacancy of Junior Foreman subject to his seniority in the feeder category. This undertaking given by the University is satisfactory to the Counsel for the petitioner also. Therefore, recording the undertaking of the counsel for the University that the petitioner will be considered against the next arising vacancy of Junior Foreman in the University Press of the first respondent University subject to his seniority in the feeder category, this original petition is disposed of.

ANTONY DOMINIC, JUDGE.

Rp